

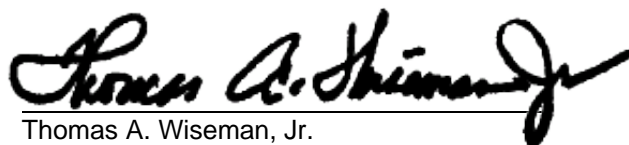
Now before the Court are two motions: (1) Plaintiffs' Motion for Partial Summary Judgment (Doc. No. 94), and (2) Defendants' Second Motion for Summary Judgment (Doc. No. 95). As set forth in the accompanying Memorandum Opinion, the Court finds that Plaintiffs, on the undisputed facts, cannot establish the requisite elements of their substantive-due-process claims under §§ 1983 and 1985(3) because (1) they have not established that they had a constitutionally protected property interest in the issuance of a conditional use permit that would have authorized construction of a Bible-based theme park on their property; and (2) even if Plaintiffs could establish the requisite "legitimate claim of entitlement" or a "justifiable expectation" in the approval of their plans, *Silver v. Franklin Twp. Bd. of Zoning Apps.*, 966

F.2d 1031, 1036 (6th Cir. 1992), they cannot show that the Defendants' denial of their application was arbitrary and capricious under federal law for purposes of establishing a substantive-due-process claim.

Consequently, Plaintiffs' Motion for Partial Summary Judgment (Doc. No. 94) is hereby **DENIED**, and Defendants' Second Motion for Summary Judgment (Doc. No. 95) is **GRANTED**. Judgment is entered in favor of Defendants and this matter is **DISMISSED**.

It is so **ORDERED**.

This is a final judgment for purposes of Fed. R. Civ. P. 58 from which an appeal may lie.

A handwritten signature in black ink, reading "Thomas A. Wiseman, Jr.", written in a cursive style.

Thomas A. Wiseman, Jr.
Senior U.S. District Judge